

Imagining torture

by Chuck Kleinhans

Most of us don't know torture, either as victim or perpetrator. We haven't experienced it. We can only imagine it. We imagine it in terms of extreme pain we have felt, the feeling of panic and loss, violation of our body, perhaps in an accident or illness. But even then we don't have the experience of being a prisoner, of being totally helpless. Therefore we have to imagine torture from descriptive sources such as news or, more likely, from fictions, particularly its representation in popular film and on TV.

In this essay I want to survey the fundamental political facts of torture in the present moment in U.S. history and then provide a brief introduction to the visual imagination of torture in moving image media. Other articles in this issue of *Jump Cut* also discuss torture: Julia Lesage's analyses of recent documentaries on U.S. CIA and military torture of prisoners taken in Iraq and Afghanistan, and Martha Rosler's reconsideration of her pioneering video, *A Simple Case for Torture*. But the fundamental issues also cross over into the sections in this issue on porn and on horror. The human body, on display, in extreme sensory states, in danger, in degradation, in humiliation: these conditions overlap, as with a Venn diagram overlapping sex, horror, and violence. Considering these connections in a fast-changing current political and media moment is an urgent task now and in the near future.

One: torture and the national imagination

As the United States moved to the November 2008 Presidential election, other issues took the lead: the national domestic economy; the financial sector meltdown; the increasing housing crisis; the high cost of transportation, energy, healthcare, and food; the ongoing wars in Iraq and Afghanistan, and so forth. In that frame, torture was not a front burner issue. As the election season narrowed the range of topics in public discussion and concentrated attention on individual candidates rather than offered any systematic analysis, torture appeared to disappear as an issue. But, we would argue, it is also

deeply present in U.S. life and also deeply repressed. America is in denial about torture. First, it is a troubling topic. Deaths in combat are an uncomfortable topic, but understandable. Soldiers become casualties and kill others — combatants and civilians.

But torture suddenly became one of the central issues in the Obama era, in part because of how the President chose to play out the choices: close Guantanamo; do not prosecute CIA agents involved in torture; do not pursue the war crimes of the previous administration; continue the imprisonment by moving prisoners to other sites; restore military tribunals. At the same time, those who want to hold the Bush-Cheney administration responsible have found a fulcrum point in the torture issue. Even more invitingly, Dick Cheney has become increasingly defensive and open, calling for release of classified documents to “prove” torture was effective and thus that he was right. Even the normally circumspect Condoleezza Rice has made public defenses of her past actions. And the right wing media amplifiers have blustered on, with TV talk show host Sean Hannity even offering to be waterboarded to prove it wasn’t really torture, and then chickening out when challenged to do so.

Torture in custody always involves premeditation and planning. It is hard to talk about, to recognize, to face up to. The examples that come forward, such as the Abu Ghraib photos, or reports that the United States took children as hostages and terrorized them to get information about the whereabouts of their father, are disturbing. But we would argue that issue is really always present but repressed. The trace of denial can be seen in media representations, and covers not only documentaries, but also dramatic feature films about the war, and entertainment films and TV shows that touch on the subject.

Torture is part of the contemporary national imagination. In summer 2007 U.S. Supreme Court Justice Antonin Scalia, at a Canadian meeting of international jurists, indicated he was a big fan of the TV drama 24.

“Jack Bauer saved Los Angeles. ... He saved hundreds of thousands of lives,’ Judge Scalia said. Then, recalling Season 2, where the agent’s rough interrogation tactics saved California from a terrorist nuke, the Supreme Court judge etched a line in the sand. ‘Are you going to convict Jack Bauer?’ Judge Scalia challenged his fellow judges. ‘Say that criminal law is against him? ‘You have the right to a jury trial?’ Is any jury going to convict Jack Bauer? I don’t think so. ...”

“During a break from the panel, Judge Scalia specifically mentioned the segment in Season 2 ... ‘There’s a great scene where he told a guy that he was going to have his family

killed,' Judge Scalia said. 'They had it on closed circuit television - and it was all staged. ... They really didn't kill the family.'"[1][[open endnotes in new window](#)]

Following the 9/11 attack, the war in Afghanistan, and the subsequent capture of Al-Qaeda suspects (and more, later in Iraq), the White House National Security Council's Principals Committee met regularly to advise President Bush on the prisoners (euphemistically called in Bushspeak "detainees," as if they were just being politely asked to wait a little while until another flight). Chaired by then National Security Advisor Condoleezza Rice, the group included Vice President Dick Cheney, Defense Secretary Donald Rumsfeld, Secretary of State Colin Powell, CIA director George Tenet, and Attorney General John Ashcroft, or their principal deputies. They discussed and approved specific details of how Al-Qaeda prisoners would be interrogated. They approved combining techniques including slapping, pushing, slamming heads into walls, sleep deprivation, stress positions, loud music, and waterboarding.

"The high-level discussions about these 'enhanced interrogation techniques' were so detailed, these sources said, some of the interrogation sessions were almost choreographed—down to the number of times CIA agents could use a specific tactic."[2]

Further reports indicated that CIA agents came in and demonstrated the techniques so the principals could be clear about what they were. [3] This White House performance art, a torture by proxy, reveals a lot about the psychology of the President's top advisors. Even if you haven't read Freud's essay, "A Child is Being Beaten," which describes the psychology, the mix of fear and fascination, that grips a child who knows another kid, out of sight, is being spanked, you can sense what is going on. Under the excuse, the alibi, the guise of careful procedural administration, this group is on a power trip, vicariously participating in the torture of another human being, getting back for the humiliation of the 9/11 events.

The argument that the U.S. is "soft" due to the institutions of democracy is a commonplace idea among neocons and fundamentalist evangelicals. Therefore by acting tough, by asserting (unilateral) power on the world stage or in a specific confrontation with a "terrorist" one overthrows this softness. Significantly then, almost all of major players in the White House Iraq policy and torture rehearsal meetings were people without military service, people who would be the most likely to feel the need to assert their "hardness," to prove their masculinity (or to appear sufficiently masculine to get to play with the boys) rather than just assuming it as part of their personal attributes, experience, and history.

In the popular imagination, in the administration's official justification for it, using torture is a "lesser evil" or lesser danger. The end (national security; to save the United States) justifies the means (using torture). Of course the common response to this argument is that in using those means you have corrupted yourself and compromised the end. You have committed a war crime.

In the classic case, it is phrased as: if there is a ticking bomb that could kill many people and one captured person knows where it is, it is justified to torture that individual for information in order to save the multitude. There are some precise problems with the ticking bomb thesis. First of all, it has never happened in the real world, nor does it seem likely to happen. But it is a very common dramatic narrative device in fiction. For example the Internet Movie Database lists over 4,650 film titles that use the narrative trope of "race against the clock." This large number includes films such as *Run Lola Run* (Tom Tykwer, 1998) and also bomb-specific ones such as *Face/Off* (John Woo, 1997). The trope provides a clear narrative arc into which dramatic delays and set backs function to increase suspense and anticipation. So the "ticking bomb" type of plot remains active in the popular imagination, even though it is not realistic in a police or military policy sense.

How efficient is torture as a policy and practice? It has at least four functions: 1) to gain information, 2) to obtain a confession of guilt, 3) to function as punishment for the victim, and 4) to gratify the torturer.

It does work to extract confessions of guilt, since eventually the victim will usually confess anything to make the pain stop. We could call this the Spanish Inquisition model after one of the most famous torture regimes. But we also know that some U.S. police departments have used (or tolerated) torture to attain confessions. The origins of the torture protocols at Guantanamo, Bagram, and CIA "black sites" are revealing. The CIA and civilian, military interrogators were faced with clear and continuous pressure from the highest levels of the administration (particularly Cheney) to "get more information" from interrogation (largely it seems, evidence of Iraqi WMDs and ties to al-Qaeda to cover up the flimsy excuses offered for invasion). There were some experts available in the FBI (which works within the legal system), the military Criminal Investigation Divisions (also within the law) and military lawyers, and intelligence gathering specialists in the CIA who were familiar with the well known and recognized methods of legal and effective interrogation. But they were ignored or shunted aside. The actual effective and legal science of interrogation was replaced with a fantasy largely derived, it seems, from 80s and 90s action films that pitted Harrison Ford or Bruce Willis or Tom Cruise or Steven Segal against generic "terrorists": from the IRA, Libya, the Middle East in general, criminal blackmailers, drug cartel leaders, rogue former CIA outfits, and (after 1989) the former Soviet Union

(with contraband nukes).

In this juvenile fantasy, the deft application of extreme force to a human villain (often as a part of hand to hand combat in the climax) reveals the location of the ticking bomb and allows it to be neutralized. But since real world detainees have to be interrogated in a considerably less spectacular way than the norm for Hollywood action films, the Good Guys have to have a method to gain information. What actually happened was that they adapted the scenario of the military's SERE (Survive, Evade, Resist, Escape) training for individuals likely to be captured in combat operations. SERE was a response to the shocking false "confessions" that U.S. captured personnel (largely pilots, that is military academy trained officers) made during the Korean War such as "germ warfare." The North Korean and Chinese interrogators applied methods to obtain false confessions (not military secrets) which were simply intended for propaganda effects. In response to public and Congressional alarm at how easily U.S. military personnel were "brainwashed," the armed forces established rigorous training to help potential prisoners by giving them a theatrical rehearsal of the techniques commonly used, including waterboarding. This training was aimed at giving people some personal dignity and integrity when faced with almost certainly effective torture techniques aimed at getting false confessions.

The North Korean torture techniques did not produce truthful confessions (and were not intended to do so by the captors). However they effectively produced false confessions intended for propaganda purposes, and they were quite effective at so doing. Adapted by the SERE schools, the techniques were used to train potential combatants how best to deal with torture. In turn, transformed into "terrorist" interrogation tools, the tools and techniques were palpably wrong for the purpose of gathering good intelligence. However they were perfect for inducing false confessions. But why would US interrogators want false confessions? It is now evident that from the top down, primarily from the Vice President's office, the need was for false information that could be used to establish an Al Qaeda connection to Saddam Hussein. The centerpiece of Colin Powell's UN speech laying out the case for war with Iraq was extensive reference to a high level captured terrorist who had told of Saddam's weapons of mass destruction and connections with Al Qaeda. Both were fictions; both were pure propaganda. The torture techniques produced the desired end: false information used to promote Bush-Cheney war plans.

As adapted by CIA, private contractor, and military agents who were ignorant of the actual science of interrogation, the SERE methods and scenarios (which were war crimes) were applied to gain intelligence information. It's hard to imagine a bigger fiasco. In the ongoing postmortem, as more classified documents are revealed, it is clear that

good information was obtained relatively quickly by traditional legal means. When untrained interrogation using abusive torture commenced, the amount, kind, and quality of the intelligence plummeted. The solution was to ramp up the pain. It always worked in the movies.

Some facts of torture can be established as incontrovertibly true:

1. Who tortures?

Basic social psychological research, notably by Dr. Stanley Milgram in the 1960s, concluded that about 70% of ordinary people would torture (administer high levels of pain to a complaining subject) if directed by persons they don't know who seem to have legitimate authority. Milgram concluded that it would probably be much higher if the authority of the government sanctioned it. Thus it is the exceptional person who refuses to torture, especially under the conditions of military organization.

In 1971 the Stanford prison experiments studied the psychological results of incarceration on both guards and prisoners. The ethically controversial group event was ended when the role-playing subjects quickly exceeded expected behaviors in the mock prison. Many "guards" became actively sadistic; many "prisoners" were traumatized. The results have been used to argue that situation rather than pre-existing disposition shapes behavior. The lead researcher, Phillip Zimbardo, in response to the Abu Ghraib events argued against the "few bad apples" characterization of what happened.

2. It's simply not true for the United States that "we don't torture."

Torture is as American as the colonial New England witch trials which used deliberate drowning (17th century waterboarding) to reveal the Devil's helpers. The United States has a long history of using torture against some enemy combatants and force, including torture and murder, against civilian populations in a war zone. The history of Native Americans, U.S. intervention and occupation in Central America and the Caribbean, and the colonization of the Philippines provide many examples. Indeed, waterboarding was first developed as a standard interrogation technique against the Philippines resistance to U.S. colonization.[4] In addition, the United States has offered substantial support to regimes and movements that did and do routinely practice torture. The U.S. military School of the Americas brought Latin American military officers to the U.S. for advanced training that included torture techniques. In fact, with the CIA rendition program, the United States outsources torture to other governments.

3. Techniques endorsed by the Bush administration and commonly used which they claim are not torture, are in fact, torture.

Sensory deprivation, reducing sound, sight, feeling (gloves) and sleep deprivation leads to a loss of personal control of self for the individual subjected to it. These techniques leave no identifiable scars or evidence of having been used. Another technique, forced standing, leads to physical breakdown including ulcers on legs, kidney failure, etc. All of these are torture, as commonly defined. In the extraordinarily narrow legal definition developed by the administration, it is not torture if it doesn't cause organ failure. The key thing here is that the administration separated out each of the individual techniques or elements of torture, stressing those that left no physical evidence, including waterboarding, and then said that no one of them constituted torture. However, the techniques were choreographed, that is, used in concert, simultaneously, and serially, which behavioral and medical experiments prove to be vastly potentiating. That is, they are torture.

For the Right to claim these practices are not torture is astonishingly duplicitous. By the technical standard of "leading to immanent organ failure" (the Yoo memo), the proceedings of the crucifixion of Jesus were not torture until his hands were nailed to the cross. (And technically, this would lead to permanent crippling, not to organ failure per se if the wound were kept sterile.) And perhaps the spear in the abdomen by a Roman guard was torture, though we don't know if an organ was actually penetrated or it was just that the skin was pierced. And further, in some interpretations of the Christ narrative, the soldier is seen as actually not trying to torment Jesus, but to simply hasten the end—that is, the motivation was mercy for the long-suffering victim. Christian fundamentalists who celebrate Mel Gibson's *The Passion of Christ* don't seem to have noticed that the Bush torture doctrine would have excused almost all of Christ's tormentors.

4. As it developed in prisons like Bagram in Afghanistan, Abu Ghraib in Iraq, and Guantanamo on the island of Cuba, the actual practice of interrogation was two-staged.

First there was a physical and psychological "roughing up" which was intended to "prepare" the prisoners to be ready to talk. Then, a second stage of traditional interrogation began. For the most part, as at Abu Graib, the military guards were routinely assigned to the first stage, and then the interrogators took over. So behind the infamous photos from Abu Ghraib lies the fact that those (often untrained) MPs arrived at a prison with a systematic regime already in place.

5. Torture is not a useful method for intelligence gathering.

Experienced interrogators such as senior FBI agents, military investigation services such as the Navy Criminal Investigation Service, and other intelligence operations such as the Defense Intelligence Agency overwhelmingly conclude that it doesn't work. The preferred practice for interrogators is to establish a relation with the prisoner, pointing out that the detained have no good options, and that if they cooperate by providing information the questioner can help them: protecting and providing for their family, giving them better prison conditions, etc. During WW2 the German Gestapo quickly found that "revenge" and "collective punishment" for underground resistance activity to military occupation was immensely counterproductive. They found that simply offering rewards produced informants. But using collective punishment and targeted torture immediately functions to shut down local sources of information. This finding is upheld as well by the large database on intelligence and interrogation from the Vietnam War.

The most obvious question is: if it is known rationally, historically, scientifically, and in the embodied experience of successful professional interrogators that torture is ineffective, why would it become policy and practice? Why would you have the smartest people in the Bush administration sitting around dress rehearsing specific tortures to be used on specific prisoners? The answer can't be that it gets meaningful results. Rather, we have to look at what torture has been demonstrated to do. First, it is effective at intimidation: of the specific prisoner, and of their community. And it has the downside of closing down communication or cooperation with the occupied population. Second, it is effective as punishment. It makes the victim pay a price for whatever was done. But of course this is rough justice, nonjudicial punishment, pain inflicted not after the social/political formality of a trial and as an affirmation of reasoned state interests and power, but just as revenge, meted out by the will of the powerful against the helpless, the hapless, and — without a prior determination of guilt or innocence — against some who are innocent.

So why the Principals Group virtual torture meetings? For the interrogator/torturer, for the Grand Inquisitor, and significantly for the person ordering the torture, it makes them feel they are in control: "torture makes the man." They can impose their power on the prisoner. The initial goal is psychological and coercive — to reduce the prisoner's sense of control. But it quickly becomes "I have power and none of you have power." The very mechanism of torture says to the prisoner that he has no control and to the torturer that they have all the power. It is, then, achieving this psychological state that is important.

It has been well established that the Bush administration failed in not paying attention to intelligence warnings before 9/11. Bush, Rice, and Cheney ignored an August report to the President that Osama bin Laden was preparing for an attack in the U.S.. Traditionally gathered CIA intelligence warned of an impending major event. Local FBI investigations that stumbled upon warning signs were ignored higher up. This information was generated in traditional (non-torture) ways. But the 9/11 events demonstrated for the world that the Administration was not in control, was not all-powerful, was not the protector. In response the psychology of establishing and asserting control, the separate need to look omnipotent again, took precedence over most effectively meeting the goals. But in addition to asserting control, the classic, centuries-old, military command model begins with the commander and his staff taking responsibility for a mistake, and then aggressively correcting it. After 9/11 rather than an honest "we blew it," the President and his administration denied that the advance warnings were meaningful and ignored. They did not assess what went wrong, how mistakes were made, and then corrected them so it wouldn't happen again. They hunkered down and lived in denial of what their responsibility had been. But they still wanted/needed to make up for the humiliation they faced.

Thus what was officially denounced as "torture" in the 50s and something that only barbaric totalitarian regimes would employ became legal and Standard Operating Procedure according to the President and his advisors in the post 9/11 world. After Abu Ghraib, even though U.S. military regulations have gone back to previous definitions of what are acceptable interrogation procedures for prisoners, the CIA has been excepted from such rules, and private contractors who conduct interrogations apparently are free to do whatever they want or think they can get away with. Such exceptionalism is written into the law, with the President defining his power as Commander in Chief as giving him suprallegal authority over surveillance, imprisonment, and interrogation. The professional military needs to hold to the standards for prisoners of war set out in the Geneva Conventions and inscribed in the Army's field manual, understanding that these standards protect U.S. personnel captured in combat. When the Administration chose to claim these international standards were obsolete, they created the basis for any and all future enemies likewise to discard those standards.

Working parallel to the standardization of torture techniques on site, the White House had Justice Department lawyers prepare casuistic arguments that what had been recognized as torture was really not torture at all. Key was separating every single item and saying that since it alone did not cause organ failure resulting in death, it was not torture. (A similar argument had been made at the first Rodney King trial. Defense attorneys for the police accused of beating the motorist

showed the videotape in slow motion to claim that each individual blow was insignificant. The jury agreed and in the face of explicit documentation, exonerated the cops.) But again and again, when taken to the now archconservative Supreme Court and to lower courts and to military tribunals, the administration and its prosecutors have lost and been reversed. This is a remarkably poor record for the Justice Department and special Rumsfeld-rigged Defense Department lawyers. And as the story has come out about the administration not hiring on merit but rather on party affiliation, on “loyalty,” on having been a College Young Republican, rather than a leading law school student, the whole thing has unraveled in terms of justification. What hasn’t become undone is the remaining damage to the lives of the prisoners. The scars of their torture, both overt and psychological scars, remain for them and their families. This is the shameful legacy.

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Two: watching torture

We do know torture, we have witnessed it, again and again: in fictional representations. Fiction provides a security for the viewer: this is make-believe. It's just a movie. And wound into the structure of the action-adventure film, the kinetic charge of fast movement allows the audience to recognize, experience, and quickly move on past the torture event. The edits, the narrative ellipses across a cut or across a scene, allow an event without reflection, sober consideration, attention to the aftermath, or ethics and morality. Heroic action cinema differs from the new forms of exploitation "torture porn" since the latter goes beyond just showing and lingers on pain and suffering.

Here are some key and/or representative moments of torture in films and TV from the past 50 years. Our own ways of imagining torture are framed, in significant ways, by what we watched of torture in dramatic narrative cinema.

Lost Command: torture to maintain imperial control

A 1966 studio picture, *Lost Command* was directed by Mark Robson based on a novel by French journalist, novelist and former soldier, Jean Lartéguy. The 1963 novel, *The Centurions*, is set in the Algerian war of liberation from French colonialism in the 1950s and is widely credited with being the first example of the "ticking time bomb" plot, which justifies using torture to obtain information that could save lives from a terrorist attack.

An oddly contradictory mix, the film shows the French army's depraved slaughter of unarmed civilians, and depicts (off screen) torture by electrodes and beating as interrogation techniques. Alain Delon plays a French captain who marks the moral center, standing against attacks on civilians. But those lower in the chain of command attack Algerians anyway, in revenge. George Segal improbably (and with dark make-up) plays a soldier released from the French Army after the defeat in Vietnam who returns home and becomes a radical (along with his sister) when their younger brother is shot by the French police for painting "independence" on a wall at night. The film implies that fighting for

national liberation is good (not so unusual for a U.S. film given our own colonial history), but using terrorism in the struggle is bad. Torture is also bad, but in the film it works.

The film's central star, Anthony Quinn, plays a French Lt. Colonel who is captured in Vietnam when the French are overrun at Dien Bien Phu (1954) at the start of the film. He re-emerges when sent to Algeria to inspect the colonial situation there. Seeing the massacre of civilians, he proclaims it to be murder, but then uses the example to warn the native population to not protect the liberation fighters. At the end the Delon character leaves Algeria, disillusioned by the French brutality he has witnessed while the scheming pragmatist, Quinn, overcomes the disgrace of his defeat in Vietnam and ascends to the rank of General.



After three French soldiers are killed by FLN rebels, the French troops punish the civilian population in the nearby village by rounding up all the boys and men and mass slaughtering them.



Torture of prisoners is used for interrogation to find the location of the enemy's hideout. A French soldier prepares the electric clamps which will be used; the actual process is shown offscreen.



In Algiers the Delon character observes police and soldiers supervising locals who are painting over the political slogans which appear on walls every night.



The Algerian family recovers the body of their teen boy who was shot by French police for painting “independence” on a wall.



The family’s eldest son, a French Army veteran of the Vietnam War (played by George Segal), subsequently joins the FLN in the countryside, bringing his military expertise to the local insurrection.

The Battle of Algiers: dialectic of torture and national liberation

Directed by Gillo Pontecorvo, *The Battle of Algiers* (1966) recreated key events in the French-Algerian war (1954-1962). The Algerians fought both in the countryside and in the cities for national liberation from French colonialism, and the urban guerrilla war was particularly intense, involving attacks on French colonial civilians and French army assaults on Algerian civilians. When the film appeared, that war was over, but the U.S. had ramped up the Vietnam war which had earlier been a French colony, so the parallels were inescapable.

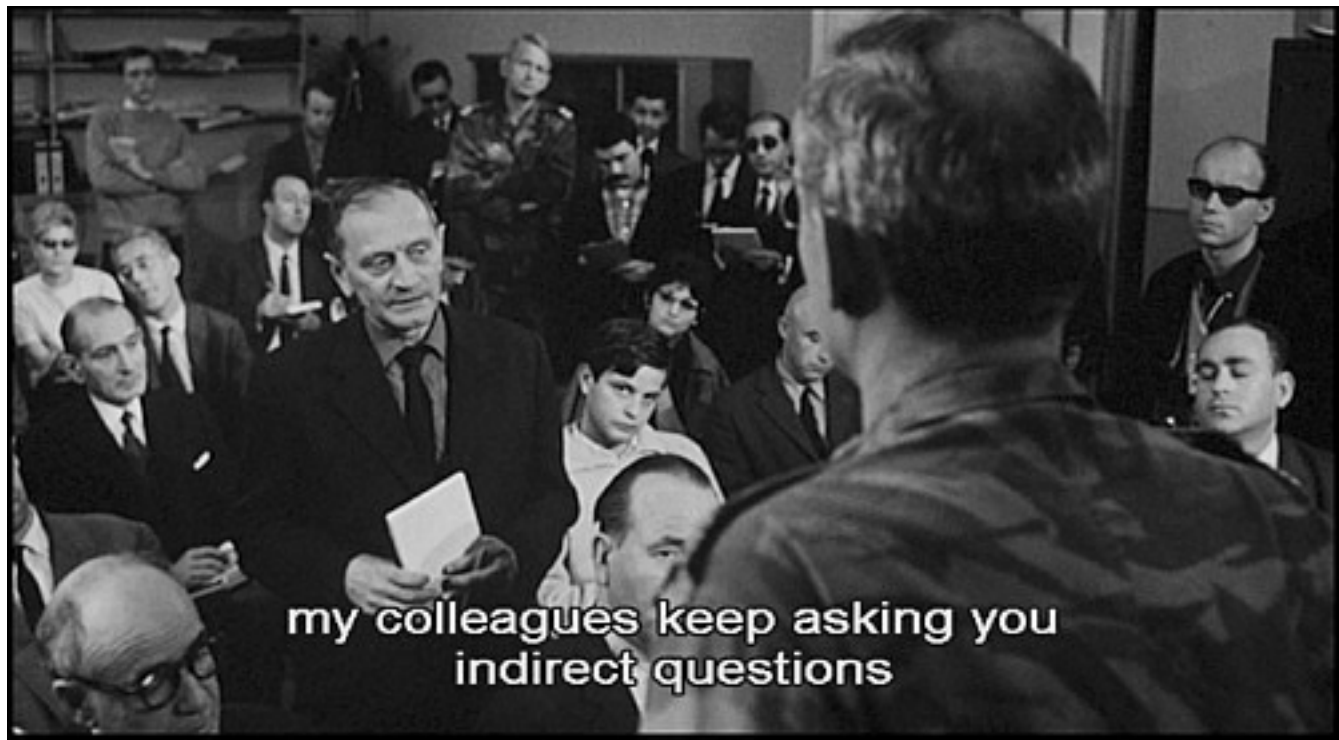
The film was shot like a documentary, with on-location portable camera extensively employed. On release it was banned in France, and the controversial torture scenes were cut in the U.S. and U.K. distribution. In 2003, the *New York Times* reported that the Pentagon screened the film for officers and civilian experts who were discussing U.S. action in Iraq. The publicity read: "How to win a battle against terrorism and lose the war of ideas."

The press conference

This sequence is a key turning point in the film. Up to this point we have seen the actions of the two sides: the FLN (National Liberation Front) and the Algerian community on the one side, and the French Army and

the colonizers/administrators on the other. The stakes are laid out clearly here. (Of course we know while watching it that the French did leave, which changes the nature of the rhetorical set up. The internal dramatic “if” becomes an understood “when.”)

Colonel Mathieu leads a press conference: three journalists ask questions about torture, and finally a fourth:



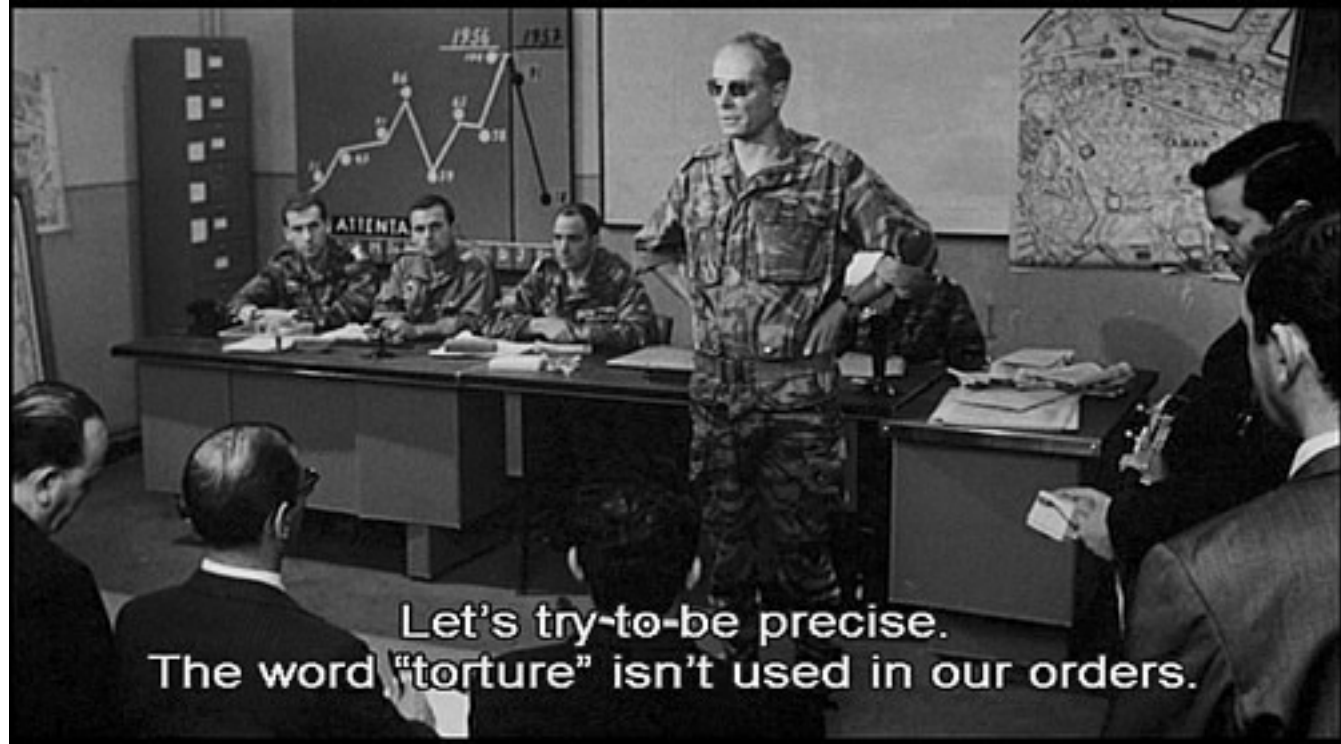
[01:32:42]

Journalist: “It seems to be that, perhaps out of an excess of caution, my colleagues keep asking you indirect questions to which you can replay in a round-about way. It would be better to call a spade a spade. So let’s talk about torture.”

Mathieu: “I understand. And you? Have you no question?”

Journalist: “They’ve all been asked. I’d just like more precise answers.”

[Reverse shot 01:33:13]



Let's try to be precise.
The word "torture" isn't used in our orders.

Mathieu: "Let's try to be precise. The word 'torture' isn't used in our orders. We use interrogation as the only valid police method against clandestine activity."

[Reverse shot 1:33:26]

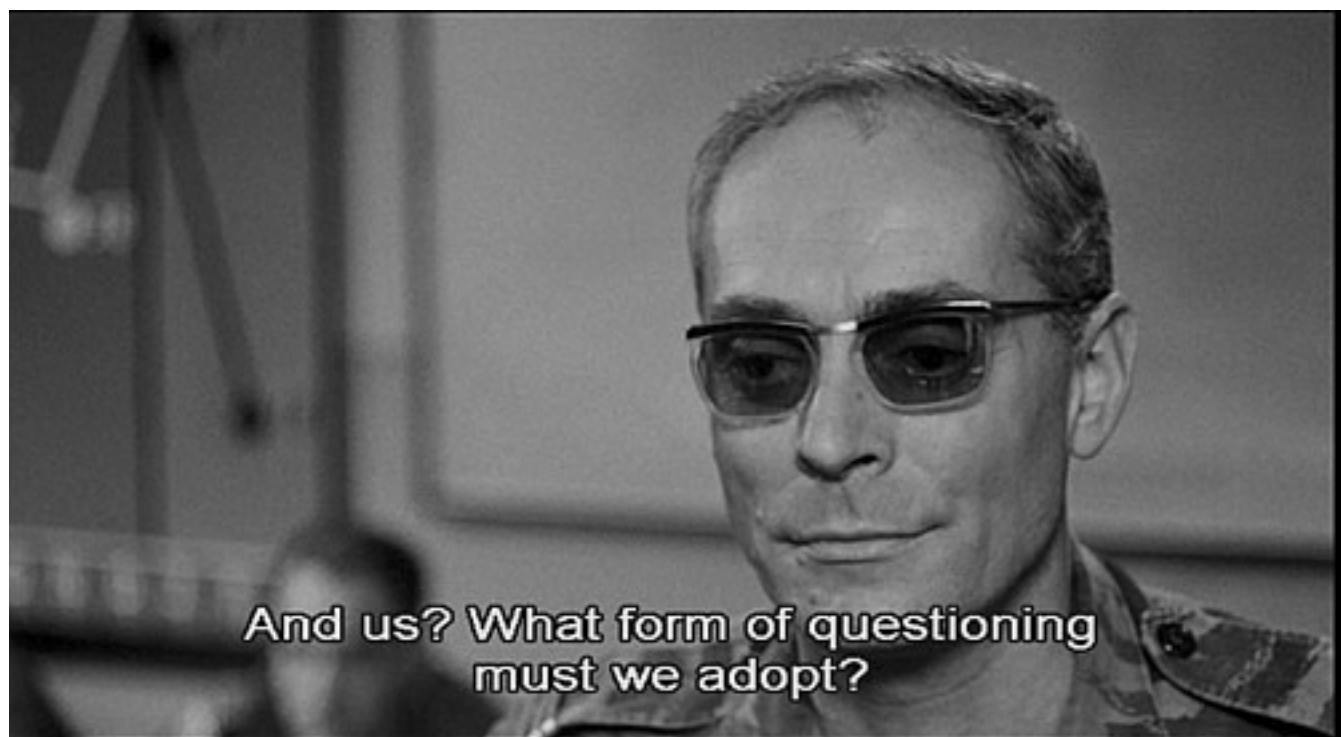
"The FLN asks all its members, in case of capture to remain silent for 24 hours."

[Cut CU]

"Then they may talk."

[Cut CU 1:33:36]

"This gives the FLN time to render any information useless."



And us? What form of questioning
must we adopt?

"And us? What form of questioning must we adopt?"

[Cut]

"Civil law procedures, which take months for a mere misdemeanor?"

[MCU]

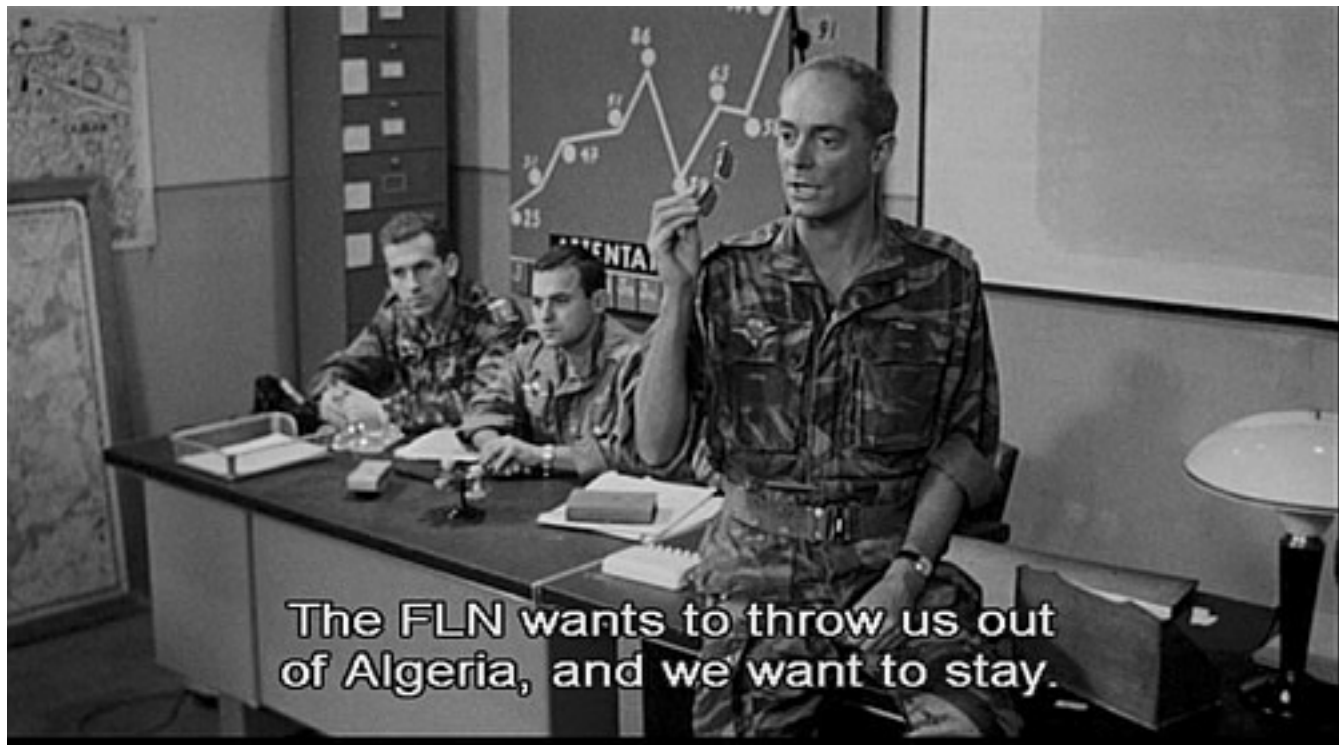
“Legality can be inconvenient. Is it legal to set off bombs in public places? Remember Ben M’Hidi’s answer when you asked him the question. (removes glasses) No, gentlemen, believe me. It’s a vicious circle.”

[Cut]

“We could talk for hours to no avail, because that isn’t the problem.”

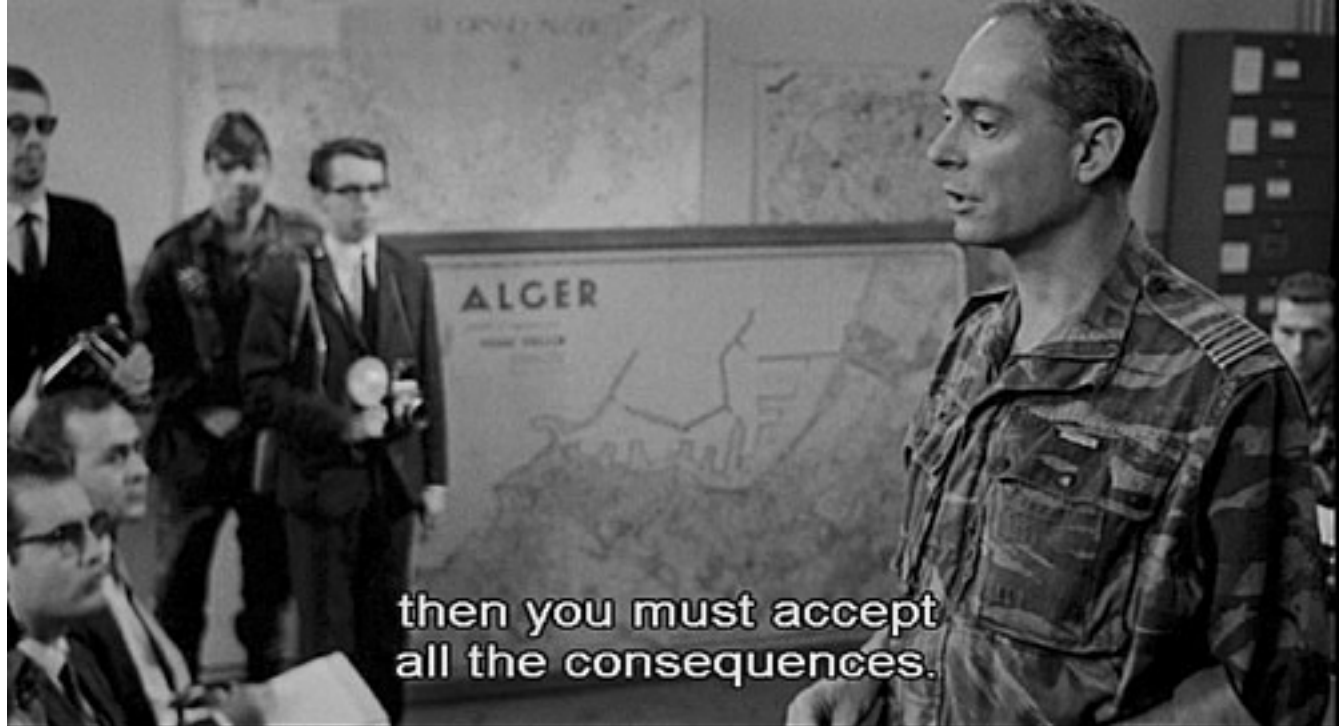
[Cut]

“The problem is this:”



[1:34:15]

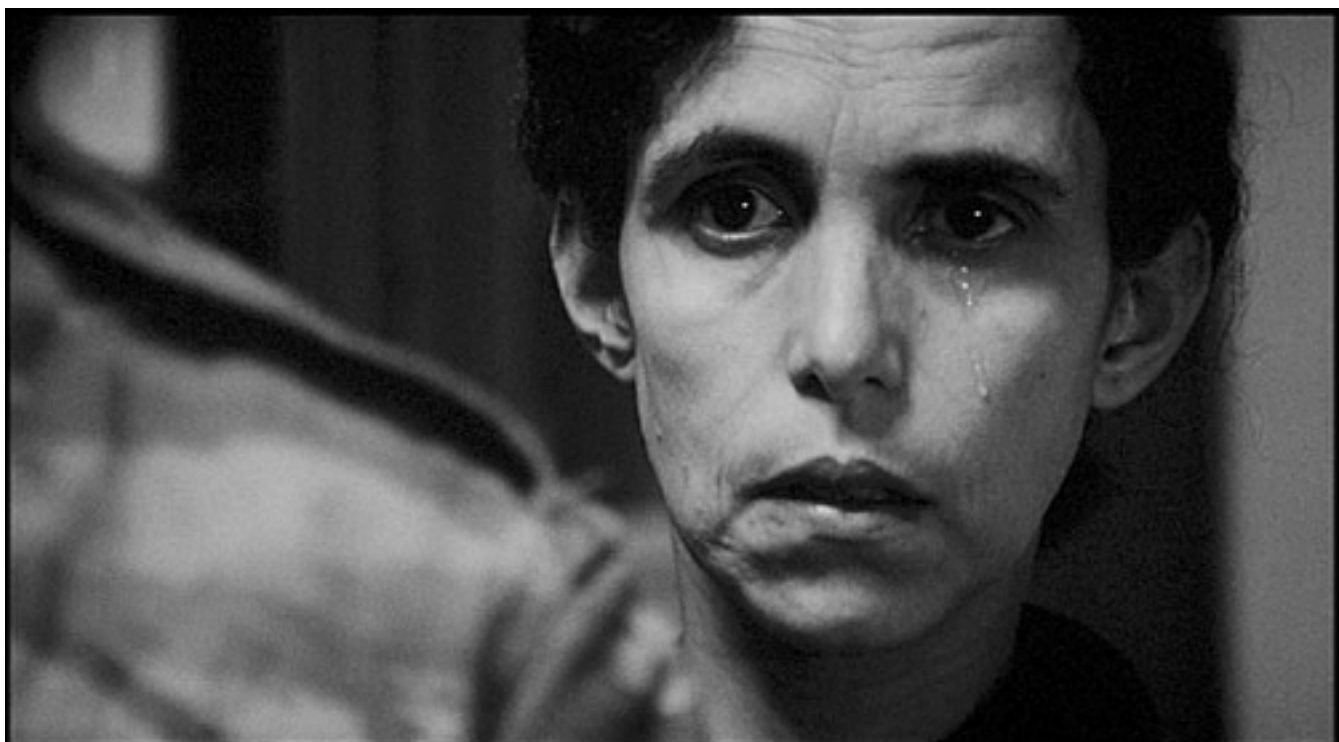
“The FLN wants to throw us out of Algeria, and we want to stay. Even with slight shades of opinion, you all agree that we must stay. When the FLN rebellion began, there were no shades at all. Every paper, the communist press included, wanted it crushed. We’re here for that reason alone. We’re neither madmen nor sadists. Those who call us fascists forget the role many of us played in the Resistance. Those who call us Nazis don’t know that some of us survived Dachau and Buchenwald.”



“We are soldiers. Our duty is to win. Therefore, to be precise, it’s my turn to ask a question. Should France stay in Algeria? If your answer is still yes, then you must accept all the consequences.”

The straight cut here to waterboarding is classic rhetorical positioning: a question is asked, and the next visuals answer it. The colonel: we are doing our duty (as assigned by politicians); if you believe in the policy, you must accept what we do. The visuals answer—no, we did not sign up for this, therefore the policy must be wrong, or we’ve changed our mind about the policy now that we realize the results.

[XCU1:35:12]
Face—waterboarding.
[1:35:19]



[XCU]
Woman’s face, tear, observing it.

[Pan]
French soldier smokes, watching impassively.

[Cut 1:35:30]
Foreground waterboarding in courtyard.

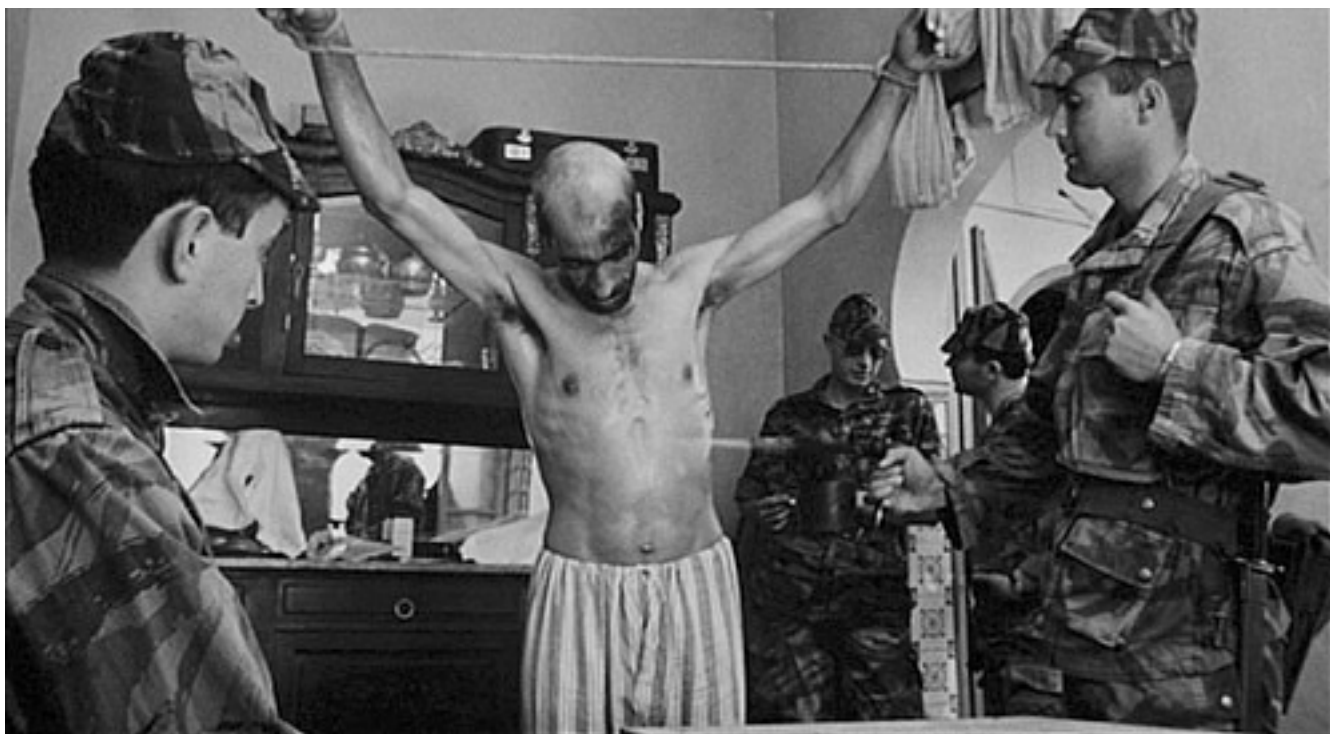


[1:35:37]
Soldiers sit and smoke.

[1:35:40]
Strung up bare, except striped loose pants.

This repeats a visual element in the public imagination from pictures of prisoners in Nazi concentration camps.

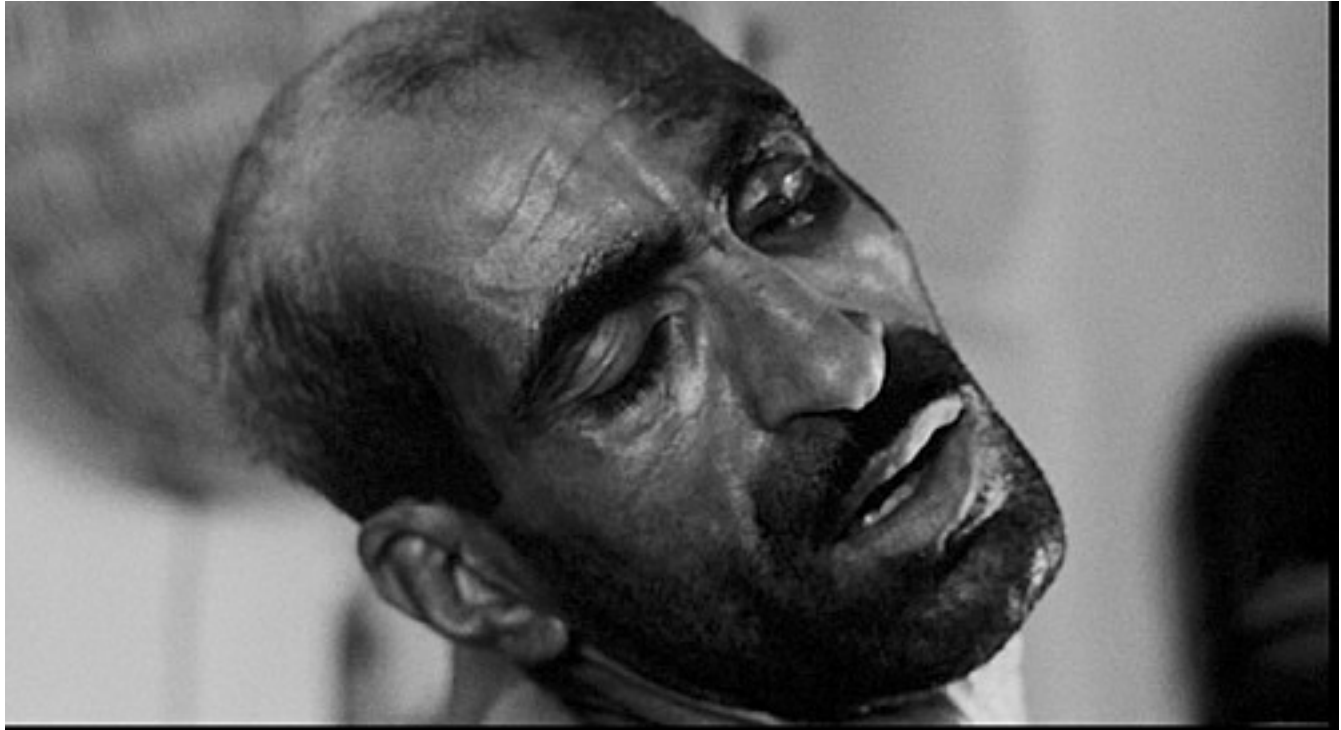
1:35:46



Soldier applies burner to torso.

[Cut XCU]
Face in pain.

Recalls images of Christ in agony.



[1:35:54]
Bound/tied/hanging upside down.

Visuals are reminiscent of Caravaggio, both in chiaroscuro lighting and the figure positions in the Descent from the Cross.



[Cut XCU]
Young man watching [returns to previous shot] with view blocked by soldier.



[1:36:16]

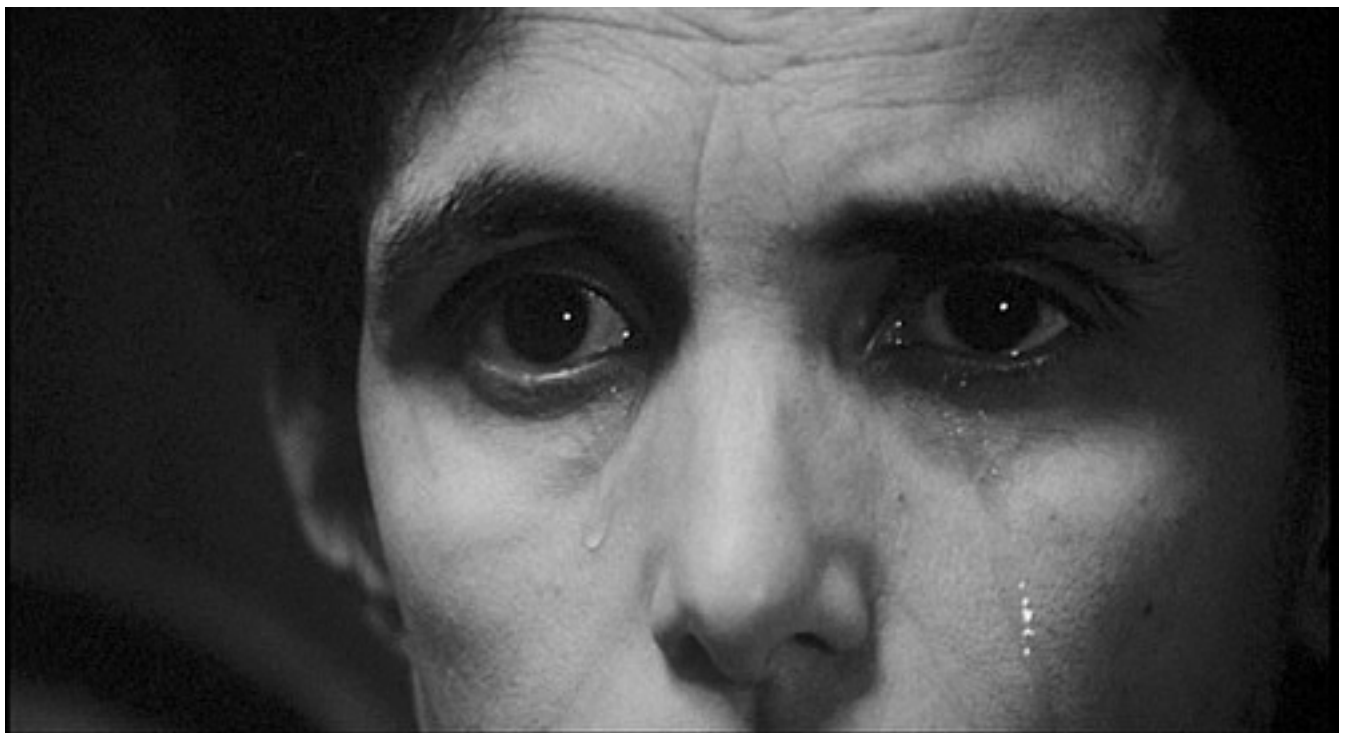
Soldier attaches electric wire clips to ears of prisoner.
Reaction—convulsions.



Return to suspended man.



[Cut]



[1:36:32]
Woman's tears, slow zoom in on eyes.
[Cut]

NB: this cut establishes the response to the torture in a virtually syllogistic way: IF the troops torture, THEN a violent response against colonial civilians is to be expected and/or is justified.

[1:36:41]
Street scene, night, French quarter, café.



Ambulance comes down street; a body is thrown out of back door. Cry: "He's been stabbed!"



[CU]

From the ambulance, guns blazing at the French colonial pedestrians, ends with attempt to run pedestrians down.

The gunman's face resembles that of the (partially) seen young man who witnesses the torture above; therefore it draws a cause and effect relation: if torture, then terrorist attacks on civilians.

[1:37:51]

Title: "26 August 1957," army raid on FLN.

The film sets up the collective responsibility for the behavior of the troops. IF France should stay, then all means are to be used to achieve this end. While the Colonel speaks to the

press, he is really speaking to the French public. Thus the response to the torture, violence against civilian targets, completes the moral question. IF the French public supports the means of torture, it will find a response directed at itself. The response is appropriate, given the rhetoric of the argument.

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Memories of Underdevelopment: the truth of the group is in the murderer

In one of the most remarkable and remarked on sections of this Cuban film (d. Tomás Gutiérrez Alea, 1968), newsreel film and journalist photos examine the Cuban trial of prisoners captured at the Bay of Pigs invasion. With CIA support, Cuban exiles attempted to establish a beachhead on the island (in order to then call for U.S. military support to overthrow the revolution). The apparent differences of occupation and degree of involvement by the exiles in the dictatorial and corrupt Batista regime is revealed to be superficial; all are accomplices in the crimes of the past.

Entire sequence (in Spanish, no subtitles)

<http://www.youtube.com/watch?v=9EnYbmYh7Xo>

Just before the sequence formally begins, the film's protagonist, Sergio begins to read to a friend from a book he bought earlier at a bookstore. The volume, *Bourgeois Morality and Revolution* by Leo Rozitchner, discusses the issues in terms of the trial of the captured prisoners and their statements. In the 98-shot sequence that then commences, Sergio reads interpretive passages from the book, plus there are some clips from the trial. A full description of the sequence from the continuity script (that is, based on the finished film) is available in English in Michael Chanan, ed., *Memories of Underdevelopment: Tomás Gutiérrez Alea, Director, and Inconsolable Memories, Edmundo Desnoes, Author*. (Rutgers: Rutgers University Press, 1990). This text supplants the earlier edition of the film script by Michael Myerson, which only reproduces the subtitles of the English language version of the film.



1. Title begins sequence.

Text: the truth of the group is in the killer.

Image: prisoners taken at the Bay of Pigs (Playa Girón), the CIA sponsored abortive invasion of Cuba by Miami-based Cuban exiles.



2. Captured prisoner walks past camera.



3. Father Lugo.

Sergio v.o. "the priest"



4. Fabio Freyre.
v.o. "the businessman"



5. Felipe Rivero.
v.o. "dilettante official"



6. Ramón Calviño.
v.o. "the torturer"



7. José Andreu.
v.o. "the philosopher"



8. Carlos Varona.
v.o. "the politician"



9. Prisoner.
Sergio, v.o. "...and the innumerable sons of good families."



10. Calviño.

Sergio, v.o., "Each one of them carried out specific duties and yet it was the whole, the group, which gave meaning to each individual activity."



11. Maria Elena, testifying at the trial.

"...he kicked me in the stomach and I had a hemorrhage. That wasn't enough for him. I had to fight so they wouldn't do that, and they broke two of my vertebrae....Do you remember?"



12. Human bones and instruments of torture on display.

Witness v.o. "When they started hitting him with sticks, he fell on his

knees and you..."



13. Dictator Batista and police chief inspect confiscated weapons.
Witness, v.o. "...kicked him in the side and he sprawled on the floor.
Don't you remember? And after you murdered him, you violated him
too, because you're a dirty murderer."



14. Prisoners crowded into a cell.
Pilar, v.o. "Coward! You killed a man in front of me, I saw you!"
Calviño v.o. "In front of you?"



15. Corpse with throat slit.

Pilar, v.o. "After you killed Morua, nine days later, you arrested me and you sat down to tell me how you had killed him!"



16. Montage of high society in the Batista dictatorship.
Sergio, v.o. "In all capitalist societies, there is the same type of man at the disposition of the bourgeoisie, who is in charge of such special duties."



17. Batista era celebrants at a party.
Sergio, v.o. "In the division of moral work, the contract murderer allows those to exist who are not directly involved with death, and who want to display their clean souls."



18. Father Lugo, v.o.

“It seems as though you want to accuse me of being the originator of the invasion and all those things.”



19. A priest offers communion on a ship preceding the Bay of Pigs landing.

Father Lugo, v.o.: “I want to insist that my mission was purely spiritual. I have never handled a weapon, before or after. The fact that one is mixed up in a conspiracy doesn’t make one a conspirator.”



20. Two murdered women.

Sergio, v.o. “ In fact, the murderer-torturer resorts to the category of totality in order to avoid claiming moral responsibility.”



21. [Portion of an extended montage contrasting the conspirators and the victims.] Several corpses with bystanders.

Sergio, v.o. “But in none of the cases under review was there a recovery of the true dialectical relationship between individuals and the group. The others who came with Calviño in the invasion don’t recognize themselves as part of the system which entangles them in their own acts. In the accounts of Freyre, the land baron; in the extreme unctions of Lugo, the priest; in the inheritance of the Babum brothers; in the delicate ideas of Andreu, the philosopher; in the dismissals and in the book of Rivero, the dilettante; in the ‘representative democracy’ of Varona; you cannot read clearly the death that through them spread over Cuba,...”



22. “...death by hunger,...”



23. Police use firehoses against protestors.
Sergio, v.o. "...by sickness, by torture, by frustration."
[Fade out]

Law and Order: Special Victims Unit: physical assault during police interrogation

Episode: "Pandora," Season 4, no 15 (air date: 2/7/2003)

The SVU detectives are depicted as having to maintain strict adherence to rules while pursuing the most despicable sex offense criminals. (For example, frequent mentions remind viewers that criminals who are guilty of sexual crimes against children are often assaulted by other prisoners when incarcerated.) A repeated subplot theme reveals that the detectives' ability to remain dispassionate in pursuing justice is often tested against their personal history and psychology.

NYPD Detective Elliot Stabler (Christopher Meloni) goes to Prague (where the local police ignore child prostitution, we are told) in pursuit of Tassig, a child pornographer who has seduced a 14 year old NYC runaway. Finding the girl, he and an Interpol agent track down the molester and interrogate him in a Czech prison, hoping to find another child whose image was circulated on the internet.



1. Referring to the runaway,

Tassig: "She's an adventurous woman!"

Stabler: "She's a 14 year old girl you filmed being drugged and raped."



2. Increasingly angry at the defiant prisoner, Stabler threatens.

Tassig: "No! I am not a deviant!"

Stabler slams his elbow against the seated prisoner's throat, sending the man falling backward to the floor.



3. "You can't, it is against your laws."

The pedophile pornographer objects that NYPD police are prohibited from harsh interrogation. The Interpol police officer remarks that such rules don't apply since they are in the Czech Republic. (Earlier, the Interpol agent pointed out that the Czech authorities routinely ignore obvious child prostitution because it brings in sex tourism money.)



4. Taunted by the pornographer, Stabler hits the prisoner's chest, then his stomach. He then picks up the man and slams him down on the interrogation table.



5. Shaken, the prisoner says he doesn't know the young child, or where she is, but her name is Amy.

Back at the U.S. Embassy, a technician explains that examining Tassig's computers they discovered a child porn site called "Amy's Little Secret." But to access it you need a password which is sold by a business back in New York. Stabler returns. Raiding that location, the police get a further lead to find Amy in NYC.



6. Conducting a raid, Stabler finds the child who says her father is asleep.



7. He enters the bedroom, places his gun against the man's forehead while ominous music plays.



8. The prolonged tableau implies that Stabler must decide between performing his own justice by killing the man or following procedures by arresting him. He takes a deep breath, shakes his head, as if clearing his thoughts.



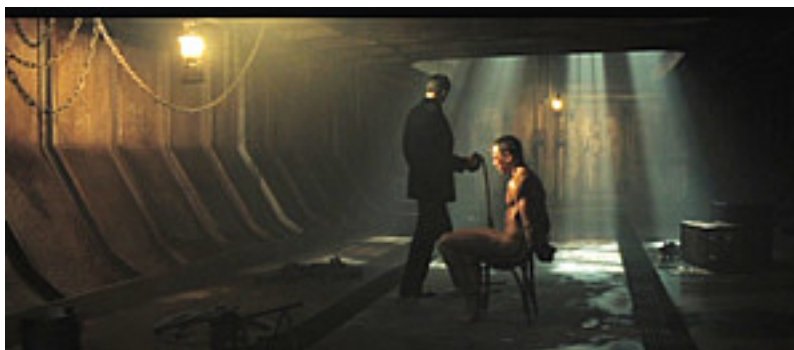
9. He awakens the criminal and says the man is under arrest.



10. "Where's my daughter?"
 Stabler pauses again, in close up,
 "Where's your daughter? Like you give a damn!"

The bedroom scene plays out at 50 seconds; long for a normally fast-paced show. Regular viewers know that Stabler often has a deep personal edge when a case involves girl and adolescent female victims, reflecting his own situation as father of two daughters.

Casino Royale: torture as testing the hero





Casino Royale (d. Martin Campbell, 2006) was a deliberate attempt to re-invigorate the Bond franchise. In a familiar situation in James Bond films, Bond is held prisoner and tortured. As well noted by reviewers, this Bond film loses the high tech weapons, CGI action effects and defiance of the laws of physics for a concentration on a well-muscled man, here captured and held in a dark dungeon. Naked, Bond (Daniel Craig) is tied to a chair with the seat removed and then repeatedly struck with a knotted rope on his genitals by Le Chiffre (Mads Mikkelsen). The sexual overtones are explicit. Enduring agonizing pain, the scene ends with Bond rescued rather than himself turning the tables on his tormentor.

Body of Lies: torture as punishment

In this 2008 Ridley Scott thriller, Roger Ferris (Leonardo DiCaprio) is an on-the-ground Middle East CIA agent who is managed by Ed Hoffman (Russell Crowe) back at headquarters. Assigned to track down a terrorist leader (read Bin Laden), he tries to work with Jordanian official Hani Salaam (Mark Strong).



1. At a site in Jordan, Ferris is shown whipping in progress by the head of the Jordanian intelligence system.

41:24



2. We have heard the lash on flesh and the victim's cries of pain. The reverse shot shows the process as Salaam states that this is not "torture" but "punishment, a very different thing." We are in Ferris's position, not quite understanding. Later, in retrospect, we realize that this event is not for extracting information from a recalcitrant prisoner but rather a punishment to a secret agent/traitor who has failed his mission.

41.29



3. Himself a prisoner of the terrorists, Ferris has a finger cut off by the leader who leaves him to be worked over and executed. DiCaprio struggles as the thugs hold him down to videotape the event.



4. In a trite cliffhanger finale, after brandishing a large knife, the leading henchman moves to cut Ferris's abdomen....just as the Jordanian security forces arrive to rescue him from death. He was bait to trap the chief, who unwittingly walks into a waiting SUV to depart only to find out he is under arrest.

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A REVIEW OF CONTEMPORARY MEDIA

24: torture and the ticking bomb

While every season of *24* is filled with interrogation torture scenes and events, season two had several notable examples.

In *24* it should be noted that Jack Bauer (Kiefer Sutherland) himself undergoes torture or other physical and mental distress throughout the series. This highlights his own heroism but also serves as a standard of comparison. Jack suffers, but never breaks. This is underlined when he interrogates Nina Myers, a woman who supplied key information to the terrorists who bombed the Counter Terrorism Unit (CTU) facility in L.A. (killing, among others, Jack's wife) and who knows who the ringleader is in a plot to detonate an atomic bomb in Los Angeles.

Season 2, episode 6

1-2 pm

Nina is held at CTU. She has received a Presidential pardon if she cooperates.



Frustrated that she won't reveal everything she knows, Jack interrogates her with physical force, choking her. He is observed on monitors outside the room by others. At the high point of his (apparent) rage, he is stopped and taken outside. Accused of being out of control and having a personal agenda because his wife died, Jack argues he is completely in control and rational. Only severe action will make the prisoner talk.



He is allowed to continue and returns to the interrogation room, pulls out his pistol and threatens Nina. He fires two shots, one on either side of her head, and continues.



Finally he places the gun against her head and she breaks down and gives up the information.

Season 2, episode 12

7-8 pm



In another plot development, the President has discovered Roger Stanton, the head of the National Security Agency (NSA), is trying to subvert the government by making connections to a far-right paramilitary group, Coral Snake, and a former CIA network. He authorizes an FBI agent to harshly interrogate Stanton with electric shocks. The President watches on a computer screen as the torture takes place. He tells his Chief of Staff that “everyone breaks eventually.” Since the “liberal” President is personally observing and supervising as well as authorizing physical torture, any further torture

by Jack Bauer seems allowable, if not consecrated by official power.



Meanwhile, Jack has been trying to break the captured terrorist, Syed Ali, to tell where the bomb is. First he uses physical coercion, at one point apparently breaking the prisoner's arm and promising that he can make the man's death excruciatingly painful. The prisoner resists. An Imam, the head of the local mosque where Ali was captured, is brought in who says that killing innocents is against Islamic beliefs. Ali remains defiant.



Jack then has video monitors brought in and shows live images of Ali's wife and two boys held prisoners abroad. Jack threatens to kill the oldest boy if Ali doesn't reveal where the bomb is.



Ali resists, and Jack gives the order for execution. The execution appears to take place: the boy has been strapped to a chair, the chair is tipped back and a masked man fires his pistol several times at the child. Jack promises to execute the other boy.



Finally Ali breaks down and tells where the bomb is and what the plan is for denotation. As Ali is taken away, the monitors reveal the event was staged and Ali's son is still alive.

The scene with the Imam provides a crucial moral plot point. By saying that terrorism that kills civilians is against the fundamental beliefs of Islam, the terrorists are situated as religious fanatics, outside of orthodox Muslim practice. This provides a declaration that not all Muslims are terrorists and that those who are have perverted the faith. (And thus seems to shield the show from being labeled anti-Muslim.) It also serves, in retrospect, to validate Bauer's strategy. In fact, he would not kill Ali's family, but he would theatrically stage the killing to force the prisoner to answer the questions. Jack is within the strict rules of Islam to not kill innocents. However Ali was perfectly willing to kill a million or more with the nuclear bomb. Of course within the law and the Geneva Conventions, what Jack does is completely illegal. And within any religion — Muslim, Christian, or Judaism — threatening to kill someone's family, and then enacting it with them as witness, is completely immoral. Although U.S. Supreme Court justice Antonin Scalia doesn't seem capable of grasping this point, as indicated by his public relish of this sequence in *24*.

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Notes

1. Andrew Sullivan, "Scalia and torture," http://andrewsullivan.theatlantic.com/the_daily_dish/2007/06/scalia_and_tort.html quoting from Colin Freeze, "What would Jack Bauer do?" *Globe and Mail*, June 16, 2007. [[return to essay](#)]
2. Jan Crawford Greenburg, Howard L. Rosenberg, and Ariane de Vogue, "Sources: Top Bush Advisors Approved 'Enhanced Interrogation,'" *ABC News*, April 2, 2008. <http://abcnews.go.com/print?id=4583256>
3. The CIA was particularly concerned with protecting its agents from later prosecution if the matter came to light. Even after the then secret and now-notorious Bybee/Yoo "Golden Shield" memo of August 2002, authorizing extreme means, CIA interrogators continued to check back for step by step approval, which would seem to indicate they knew they were placing themselves in jeopardy for using torture.
4. Paul Kramer, "The Water Cure," *New Yorker*, Feb. 25, 2008. www.newyorker.com/reporting/2008/02/25080225fa_fact_kramer?prntable=true

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